

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Spencer Migotsky	Team: Squad #1	CCRB Case #: 201508928	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 10/12/2015 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 4/12/2017	EO SOL 4/12/2017	
Date/Time CV Reported Mon, 10/12/2015 9:48 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/19/2015 11:23 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Cameron Foster	16887	919060	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Salahadine Mitchell	19104	921071	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Cameron Foster	Abuse: PO Cameron Foster threatened to arrest § 87(2)(b)	
B.POM Cameron Foster	Abuse: PO Cameron Foster refused to provide his name and shield number to § 87(2)(b)	
C.POM Cameron Foster	Abuse: PO Cameron Foster threatened to arrest § 87(2)(b)	

### Case Summary

This case is over 90 days old because it was returned from mediation. The case was received by the CCRB on October 19, 2015 and was sent to the mediation unit on November 5, 2015. On February 2, 2016, § 87(2)(b) stated that she was unsatisfied with mediation and her case was returned for investigation.

On October 12, 2015 at approximately 9:00 pm, § 87(2)(b) the father of § 87(2)(b) -old § 87(2)(b) came to § 87(2)(b) building, § 87(2)(b) in the Bronx, to get his son because he disputed that § 87(2)(b)'s maternal grandmother, had custody of him. § 87(2)(b) rang the buzzer to § 87(2)(b) apartment and § 87(2)(b) came downstairs. She told § 87(2)(b) that he was not allowed to get § 87(2)(b) § 87(2)(b) and § 87(2)(b) each called the police and two officers, PO Cameron Foster and PO Salahadine Mitchell of the 44<sup>th</sup> Precinct, arrived. They spoke to § 87(2)(b) who told them that he was § 87(2)(b)'s father and that he was attempting to get his son from § 87(2)(b) before they spoke to § 87(2)(b).

PO Foster entered the lobby of § 87(2)(b) with § 87(2)(b) and asked § 87(2)(b) where § 87(2)(b) was. § 87(2)(b) said that he was upstairs and told PO Foster that § 87(2)(b) did not have custody of § 87(2)(b). PO Foster told § 87(2)(b) "bring him here before we lock you up" and she replied "lock me up, for what?" (**Allegation A**). § 87(2)(b) released § 87(2)(b) to PO Foster, who gave him to § 87(2)(b). § 87(2)(b) asked PO Foster for his name and shield number (**Allegation B**). PO Foster said "what do you need it for" and told her that if she did not go back upstairs he would "lock her up" (**Allegation C**). § 87(2)(b) did not provide documentation to the officers evidencing her claim that she had custody of § 87(2)(b). PO Foster told § 87(2)(b) that she would have to adjudicate the issue in family court and then went to his car with PO Mitchell to write a report.

There is no video footage of this incident.

### Mediation, Civil and Criminal Histories

§ 87(2)(b) accepted mediation on October 21, 2015 and the case was sent to the mediation unit on November 5, 2015; however, she was unsatisfied with mediation and chose to pursue an investigation on February 2, 2016. § 87(2)(b) has no prior convictions. A notice of claim was returned with negative results.

### Civilian and Officer CCRB Histories

- § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- PO Foster has been a member of the NYPD for 18 years. 14 complaints involving 25 allegations have been filed against him, none of which were closed as substantiated.  
§ 87(2)(g)

### **Potential Issues**

During the phone statement that § 87(2)(b) provided before her case was sent to mediation, she never stated that her two sisters, § 87(2)(b) and § 87(2)(b) were witnesses. She only stated that her sisters were witnesses after the case was returned from mediation when § 87(2)(b) provided her in-person statement on February 2, 2016 (Board Review 02). PO Foster and PO Mitchell did not recall two women around § 87(2)(b) age being present on scene (Board Review 03 and 04). The undersigned attempted to contact § 87(2)(b) sisters; however, neither of them provided statements.

§ 87(2)(b) provided several court documents which do not identify anyone other than § 87(2)(b)'s mother as having custody.

### **Findings and Recommendations**

#### **Explanation of Officer Identification**

§ 87(2)(b) met with PO Foster and PO Mitchell during her attempted mediation. She saw their names and shield numbers and subsequently referred to them by name during her interview. § 87(2)(b)

#### **Recommendations**

##### **Allegations not pleaded**

§ 87(2)(b) originally stated that both PO Foster and PO Mitchell did not provide their names and shield numbers and threatened to arrest her. However, during her in-person statement, she clarified multiple times that PO Foster was the one who threatened to arrest her and whose shield number she requested (Board Review 02). § 87(2)(g)

**Allegation A: Abuse of Authority – PO Cameron Foster threatened to arrest** § 87(2)(b)

**Allegation B: Abuse of Authority – PO Cameron Foster refused to provide his name and shield number to** § 87(2)(b)

**Allegation C: Abuse of Authority – PO Cameron Foster threatened to arrest** § 87(2)(b)

§ 87(2)(b) stated that PO Foster and PO Mitchell arrived at 909 Sheridan Avenue in response to a custody dispute over § 87(2)(b) that she had with § 87(2)(b). She did not see § 87(2)(b) provide any documentation to the officers proving his claim that he had custody of his son. PO Foster asked § 87(2)(b) where § 87(2)(b) was and § 87(2)(b) said that he was upstairs. § 87(2)(b) told PO Foster that § 87(2)(b) did not have custody of § 87(2)(b). PO Foster told § 87(2)(b) “bring him here before we lock you up” and she replied “lock me up, for what?” § 87(2)(b) released § 87(2)(b) to PO Foster, who gave him to § 87(2)(b). § 87(2)(b) asked PO Foster for his name and shield number from 10 feet away. PO Foster said “what do you need it for” and told her that if she did not go back upstairs he would “lock her up.” § 87(2)(b) did not provide documentation evidencing her claim that she had custody of § 87(2)(b) because the officers did not allow her to show them anything. The officers told her that they did not have time to look at her documents (Board Review 02).

§ 87(2)(b) stated that he called the police because § 87(2)(b) would not release his child to him. He told the officers that he was the biological father of § 87(2)(b) and showed them his ID to prove that they had the same last name. § 87(2)(b) also acknowledged that § 87(2)(b) was the father of § 87(2)(b) and while he believed that he had paperwork on him proving that he had custody, he did not recall what that paperwork was. § 87(2)(b) confirmed that an officer told § 87(2)(b) that she could be arrested if she did not release § 87(2)(b) to § 87(2)(b) but he was unable to differentiate between the two officers as he described them both as uniformed black males about the same age, height, weight, and complexion. He explained that an officer asked her if she had court documents to prove that she had custody of her grandson when she disputed custody but she did not have any. § 87(2)(b) was present for the entirety of § 87(2)(b) interaction with the officers and he never saw § 87(2)(b) provide any documentation to them. He did not recall § 87(2)(b) asking for an officer's name or shield number and he never heard an officer refuse to provide his name and shield number. In the end the child was released to § 87(2)(b) (Board Review 07).

PO Foster stated that he responded to a violation of an order of protection that was received over the radio with PO Mitchell. They did not receive any other information about the incident. When they arrived, § 87(2)(b) approached them and said that he came to pick up his son, who was in his grandmother's apartment, and that she had refused to release his son to him. PO Foster originally said that he believed that § 87(2)(b) "must have" presented some paperwork indicating that he had visitation or custody rights but then clarified that the incident occurred months before his interview and that paperwork was shown but he could not recall what it was. PO Foster was unsure whether he went up to § 87(2)(b) apartment or whether § 87(2)(b) met him downstairs but when he encountered her, she immediately started yelling at PO Foster and PO Mitchell that § 87(2)(b) had no right to the child. She stated that she had an order of protection and custody of § 87(2)(b) granted by ACS and that § 87(2)(b) was in violation of an order of protection. PO Foster asked § 87(2)(b) to present paperwork to prove her claim multiple times but she never produced anything. Based on the information that § 87(2)(b) provided, PO Foster told § 87(2)(b) that she had to release the child to § 87(2)(b) as it was his legal right. § 87(2)(b) gave § 87(2)(b) to § 87(2)(b). PO Foster denied that he told § 87(2)(b) that she could be arrested if she refused to release § 87(2)(b) to his father. PO Foster did not recall § 87(2)(b) asking for his name and shield number but saw that she looked at his shield. PO Foster never provided his name and shield number verbally or refused to provide his information. He did not recall when he went up to § 87(2)(b) apartment or whether she followed him outside but remembered that § 87(2)(b) followed him downstairs. PO Foster did not recall telling § 87(2)(b) that if she did not go back into the building or back into her apartment that she would be arrested. He did not recall telling § 87(2)(b) that she could be arrested for any reason although he stated that if § 87(2)(b) had not released § 87(2)(b) to § 87(2)(b) she could have been arrested (Board Review 03).

PO Mitchell did not recall whether § 87(2)(b) or § 87(2)(b) showed documentation evidencing their custody rights. He did not recall where he initially encountered § 87(2)(b) but denied that his interaction with her was contentious. He did not recall whether § 87(2)(b) ever expressed

anger or frustration with him or PO Foster. § 87(2)(b) was returned to § 87(2)(b) but PO Mitchell did not recall the rationale for returning him. PO Mitchell did not recall whether he conducted an investigation into the custody dispute. PO Mitchell said that he “would imagine” that § 87(2)(b) objected to § 87(2)(b) being returned to § 87(2)(b) however, he could not recall specifically how she objected. PO Mitchell did not recall whether PO Foster ever told § 87(2)(b) that she could be arrested. He did not recall PO Foster saying “stay right there or we’ll lock you up” or “bring him here before we lock you up.” PO Mitchell did not recall whether § 87(2)(b) ever requested PO Foster’s name and shield number, whether PO Foster ever provided his name and shield number to § 87(2)(b) or whether PO Foster ever refused to provide his name and shield number to § 87(2)(b). PO Mitchell did not recall whether § 87(2)(b) expressed a desire to show paperwork to the officers that she did not have on her at the time. He did not recall preventing § 87(2)(b) from showing him or his partner any documentation (Board Review 04).

§ 87(2)(g)

[REDACTED]

Squad: 1

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date